

**AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A device for use in a cardiovascular surgery for insertion into the chest cavity to stabilize the beating heart through communication with a fixed support or retractor located at least partially outside of the chest cavity, the device comprising:

a shaft having a proximal end portion and a distal end portion;

a plurality of contact ~~member~~ members attachable ~~attached~~ to said distal end portion of said shaft, said contact ~~member~~ members each comprising a flexible main body having a contact surface and an elongated malleable member extending along a length of said flexible main body member;

wherein said malleable ~~member is~~ members are shapeable to engage the surface of the beating heart and are configured to be placed on opposite sides of a site of anastomosis, wherein each of said malleable members is continuously adjustably shapeable by manipulation thereof to any one of a plurality of [a] desired shapes ~~shape~~, and wherein upon release of manipulation forces, said malleable member maintains said desired shape into which it was adjustably shaped and maintains said contact surface in said desired shape; and

wherein said shaft has sufficient strength to withstand a stabilizing force exerted on the heart via manipulation or fixation of said shaft to cause said contact member to exert a stabilizing force on the beating heart.

Claims 2-223. (Canceled)

224. (Currently Amended) The device of claim 1, wherein introduction of positive or negative pressure to said contact ~~member~~ members fixes a present shape of said contact surface.

225. (Currently Amended) The device of claim 1, wherein said contact ~~member~~ members further ~~comprise~~ comprise a vacuum lumen connectable to a source of positive or negative fluid pressure.

226. (Currently Amended) The device of claim 1, wherein said elongated malleable ~~member~~ members ~~is~~ are substantially cylindrical.

227. (Currently Amended) The device of claim 1, wherein said elongated malleable ~~member~~ members comprises comprise a wire.

228. (Currently Amended) A device for use in cardiovascular surgery on the beating heart, comprising:

a shaft member having a distal end portion and a proximal end portion; and

a plurality of at least one continuously adjustable contact ~~members member~~ connectable connected to said distal end portion of said shaft member and each said contact member comprising a flexible main body member having a contact surface and an elongated malleable member extending along a length of said flexible main body member;

wherein said malleable members are member is shapeable to engage the surface of the beating heart and are configured to be placed on opposite sides of a sit of anastomosis, wherein each of said malleable ~~members member~~ is continuously adjustably shapeable by manipulation thereof to any of a plurality of [a] desired shapes shape, and wherein upon release of manipulation forces, each said malleable maintains said desired shape it has been shaped into and maintains said contact surface in said desired shape.

229. (Currently Amended) The device of claim 228, wherein said contact ~~members member~~ further comprise comprises a vacuum lumen connectable to a source of positive or negative fluid pressure.

230. (Currently Amended) The device of claim 228, wherein said shaft member is configured to assume a rigid configuration in which said shaft member has sufficient strength to withstand a stabilizing force exerted on the heart via manipulation or fixation of said shaft to cause said contact ~~members member~~ to exert a stabilizing force on the beating heart.

231. (Currently Amended) A device for use in a cardiovascular surgery for insertion into the chest cavity to stabilize the beating heart through communication with a fixed support or retractor located at least partially outside of the chest cavity, the device comprising:

a shaft having a proximal end portion and a distal end portion;

a plurality of contact ~~members member~~ attachable to the distal end portion of the shaft, said contact members each member comprising:

a flexible main body having a contact surface and an elongated malleable member  
extending along a length of the flexible main body member; and

a vacuum lumen connectable to a source of positive or negative fluid pressure;

wherein said each of said contact members ~~member~~ when attached to the distal end portion of the shaft (i) is shapeable to engage the surface of the beating heart, (ii) is continuously adjustably shapeable by manipulation thereof to any of a plurality of [a] desired shapes ~~shape~~, and (iii) maintains the desired shape it has been shaped into and maintains the contact surface in the desired shape upon release of manipulation forces; and

wherein the shaft has sufficient strength to withstand a stabilizing force exerted on the heart via manipulation or fixation of the shaft to cause the contact members ~~member~~ to exert a stabilizing force on the beating heart.

232. (Currently Amended) The device of claim 231, wherein introduction of negative pressure to said contact members ~~member~~ fixes a present shape of said contact surface is continuously adjustable.

233. (Currently Amended) The device of claim 231, wherein each said ~~the~~ elongated malleable member is substantially cylindrical.

234. (Currently Amended) The device of claim 231, wherein each said ~~the~~ elongated malleable member comprises a wire.

235. (New) The device of claim 1, wherein said shaft is adapted for insertion into a fixture attached to the fixed support or retractor.

236. (New) The device of claim 1, wherein said malleable members are shapeable into said any one of a plurality of desired shapes prior to insertion of said malleable members, and retain said desired shapes that said malleable members have been shaped into after insertion of said malleable members into the chest cavity.

237. (New) The device of claim 1, wherein said plurality of contact members are attached to said distal end portion of said shaft.

238. (New) The device of claim 228, wherein said shaft is adapted for insertion into a fixture attached to a fixed support or retractor.

239. (New) The device of claim 228, wherein said malleable members are shapeable into said any one of a plurality of desired shapes prior to insertion of said malleable members, and retain said desired shapes that said malleable members have been shaped into after insertion of said malleable members into the chest cavity.

240. (New) The device of claim 228, wherein said plurality of contact members are connected to said distal end portion of said shaft.

241. (New) The device of claim 231, wherein said shaft is adapted for insertion into a fixture attached to the fixed support or retractor.

242. (New) The device of claim 231, wherein said malleable members are shapeable into said any one of a plurality of desired shapes prior to insertion of said malleable members, and retain said desired shapes that said malleable members have been shaped into after insertion of said malleable members into the chest cavity.

243. (New) The device of claim 231, wherein said plurality of contact members are attached to said distal end portion of said shaft.